

Ballot Initiative 2017-2018 Summary

The single subject of the proposed initiative is to improve the implementation of SB251 by allowing the social security card and/or an ITIN number in any "Department of Motor Vehicles" which the department issues documents. Currently, a person who is not lawfully present in the United States may obtain an identification card, an instruction permit or a driver's license if certain requirements are met. One of the requirements is that the applicant presents a taxpayer identification card. The ballot initiative allows a social security number to meet this requirement, as well as to allow the license or identification card to be reissued or renewed in accordance with the process used other licenses and identification cards, the department shall issue an identification document to any applicant in any office through which the department issued driver's licenses, permits, identification, and there shall not be any limits to the number of identification documents issued.

1     *Be it Enacted by the People of the State of Colorado.*

2                 **SECTION 1.** In Colorado Revised Statutes, 42-2-505, **amend** (1)

3     introductory portion and (1)(c) and add (4) and (5) as follows:

4                 *42-2-505. Identification documents - individuals not lawfully*

5     **present. (1) Documents issued.** An individual who is not lawfully

6     present IN THE UNITED STATES may apply for an identification document

7     in accordance with this part 5. The department shall issue an

8     identification document to an applicant who:

9                 (c) (I) Documents an individual taxpayer identification number

10     issued by the United States internal revenue service; ~~and~~ OR

11                 (II) DOCUMENTS A SOCIAL SECURITY NUMBER ISSUED BY THE

12     UNITED STATES SOCIAL SECURITY ADMINISTRATION, WHICH

13     DOCUMENTATION MAY INCLUDE A SOCIAL SECURITY CARD OR ANY OTHER

14     DOCUMENTATION ACCEPTABLE TO THE DEPARTMENT AS PROVIDED BY

15     RULE IF THE FEDERAL GOVERNMENT CONFIRMS THE INDIVIDUAL'S SOCIAL

16     SECURITY NUMBER, INCLUDING ELECTRONIC CONFIRMATION THROUGH THE

1 SOCIAL SECURITY ONLINE VERIFICATION SYSTEM COMMONLY KNOWN AS  
2 SSOLV; and

3 (III) THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION DOCUMENT TO ANY  
4 APPLICANT IN ALL OFFICES THAT THE DEPARTMENT OPERATES ANYWHERE IN  
COLORADO.

5 (IV) THERE SHALL NOT BE ANY LIMITS TO THE NUMBER OF IDENTIFICATION  
6 DOCUMENTS ISSUED WITHIN COLORADO.

7 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-2-509 as  
8 follows:

9 **42-2-509. Renewal - duplicate - replacement - rule.**

10 **(1) Renewal.** An identification document issued under this part 5 expires  
11 three years after issuance. The holder of the document must apply for  
12 renewal IN ACCORDANCE WITH SECTION 42-2-118 OR 42-2-304 to continue  
13 to hold a valid identification document. TO RENEW THE IDENTIFICATION  
14 DOCUMENT ISSUED TO A PERSON WHO IS NOT LAWFULLY PRESENT, THE  
15 HOLDER MUST PRESENT THE IDENTIFICATION DOCUMENT AND PROVIDE  
16 EVIDENCE OF CURRENT COLORADO RESIDENCY AS DETERMINED BY THE  
17 DEPARTMENT BY RULE.

18 **(2) Duplicate permits and minor licenses - replacement**  
19 **licenses.** IF AN IDENTIFICATION DOCUMENT ISSUED UNDER THIS PART 5 IS  
20 LOST, STOLEN, OR DESTROYED, THE PERSON TO WHOM IT WAS ISSUED MAY  
21 OBTAIN A DUPLICATE OR REPLACEMENT IN ACCORDANCE WITH SECTION  
22 42-2-117 OR 42-2-305.

1                   **SECTION 3.** In Colorado Revised Statutes, 42-2-117, **amend**

2                   (1.5) as follows:

3                   **42-2-117. Duplicate permits and minor licenses - replacement**

4                   **licenses.** (1.5) Upon furnishing satisfactory proof to the department that  
5                   a driver's license issued under ~~the provisions of this article~~ ARTICLE 2 has  
6                   been lost, stolen, or destroyed, the person to whom ~~the same~~ IT was issued  
7                   ~~shall~~ MAY apply for renewal of the license pursuant to section 42-2-118.

8                   The new driver's license ~~shall expire~~ EXPIRES as provided in section  
9                   42-2-114 OR 42-2-509 (1).

10                  **SECTION 4.** In Colorado Revised Statutes, 42-2-118, **amend**

11                  (1)(a)(I), (1)(b)(I), (1.3)(a) introductory portion, (1.3)(a)(II), (1.5)(a)  
12                  introductory portion, and (1.5)(a)(II) as follows:

13                  **42-2-118. Renewal of license in person or by mail - donations**

14                  **to Emily Maureen Ellen Keyes organ and tissue donation awareness**

15                  **fund - repeal.** (1) (a) (I) Every license issued under section 42-2-114  
16                  ~~shall be~~ OR 42-2-505 IS renewable prior to its expiration, upon application  
17                  in person, by mail as provided in subsection (1.3) of this section, or by  
18                  electronic means as provided in subsection (1.5) of this section; payment  
19                  of the required fee; passing of an eye test; passing of such other  
20                  examinations as the applicant's physical limitations or driver's record  
21                  indicates to be desirable; and payment of any penalty, assessment, fine,  
22                  cost, or forfeiture as prescribed by subsection (3) of this section. If a  
23                  person renews his or her license pursuant to this ~~subparagraph (I)~~  
24                  SUBSECTION (1)(a)(I) by electronic means, the person ~~shall~~ MUST attest

1 under penalty of perjury that he or she has had an eye examination by ~~any~~  
2 AN optometrist or ~~an~~ ophthalmologist within three years before the date  
3 of application.

4 (b) (I) Any license referred to in section 42-2-114 OR 42-2-505  
5 that, at the time of its expiration, is held by a resident of this state who is  
6 temporarily outside of this state or is prevented by disability from  
7 complying with ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF  
8 THIS SECTION may be extended for a period of one year if the licensee  
9 applies to the department for an extension of the expiration date ~~prior to~~  
10 BEFORE the date the license expires and pays a fee set by the department  
11 in accordance with section 42-2-114.5 (2). The department shall transfer  
12 the fee to the state treasurer, who shall credit it to the licensing services  
13 cash fund created in section 42-2-114.5 (1). ~~This AN extension UNDER~~  
14 THIS SUBSECTION (1)(b)(I) becomes null and void ninety days after the  
15 licensee renews his or her residency in the state or otherwise becomes  
16 able to comply with the provisions of ~~paragraph (a) of this subsection (1)~~  
17 SUBSECTION (1)(a) OF THIS SECTION. The department shall NOT grant no  
18 more than one extension under this ~~paragraph (b)~~ SUBSECTION (1)(b)  
19 unless a resident of this state is temporarily residing in a foreign country,  
20 in which case the department may grant no more than two extensions.

21 (1.3) (a) The department may, in its discretion, allow renewal of  
22 a driver's license issued under section 42-2-114 OR 42-2-505 by mail  
23 subject to the following requirements:

24 (II) Renewal by mail shall only be available every other driver's

1 license renewal period as provided in section 42-2-114 (2)(a) and (3) OR  
2 42-2-509 (1);

3 (1.5) (a) The department may, in its discretion, allow renewal of  
4 a driver's license issued under section 42-2-114 OR 42-2-505 by electronic  
5 means subject to the following requirements:

6 (II) A person may renew a driver's license electronically only for  
7 two consecutive driver's license renewal periods as provided in section  
8 42-2-114 (2)(a) and (3) OR 42-2-509 (1);

9 **SECTION 5.** In Colorado Revised Statutes, 42-2-304, **amend**  
10 (1.5)(b), (1.7)(a) introductory portion, (1.8)(a) introductory portion, and  
11 (1.9)(a) introductory portion as follows:

12 **42-2-304. Validity of identification card - rules.** (1.5) (b) The  
13 department ~~may~~ SHALL not renew an identification card for a person if the  
14 person would not be eligible for an identification card pursuant to section  
15 42-2-302 (2)(b) or (2)(c) OR 42-2-505.

16 (1.7) (a) If allowed under federal law, the department shall allow  
17 renewal of an identification card issued under section 42-2-302 OR  
18 42-2-505 by mail subject to the following requirements:

19 (1.8) (a) The department shall allow an applicant to renew an  
20 identification card issued under section 42-2-302 OR 42-2-505 by  
21 electronic means if the applicant:

22 (1.9) (a) The department may allow an applicant to renew an  
23 identification card issued under section 42-2-302 OR 42-2-505 by  
24 electronic means if the applicant:

1                   **SECTION 6. Appropriation.** For the 2018-19 state fiscal year,  
2     \$17,261,744 is appropriated to the department of revenue. This appropriation  
3     from the licensing services cash fund created in section 42-2-114.5 (1),  
4     C.R.S. To implement this ballot initiative, the department may use this appropriation  
5     for DMV IT system (DRIVES) Support.  
6                   **SECTION 7. Effective date.** This ballot initiative takes effect upon passage.

Respectfully submitted,

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